

PROCEDURE		
Title:	Conduct of Police Officers	
Practice / Business Area:	Professional Standards	
Department Responsible:	Professional Standards	
First Published:	25/11/02	
Last Reviewed:	10/09/2020	
Next Review Due:	September 2023	This document applies to Police Officers and Special Constables of South Wales Police.
Version Number:	11	Chief Constable
SOUTH WALES POLICE PROCEDURE OBJECTIVE:		
The aim of this Guidance & Procedure is to support each member of the policing profession to deliver the highest professional standards in their service to the public.		
PROCEDURE:		
<p>It is important that managers understand their responsibility to respond to, and deal promptly and effectively with, unsatisfactory behaviour and complaints about Police conduct from members of the public and/or colleagues. It is a key responsibility of all managers to understand and apply the procedure in a fair, proportionate and timely manner.</p> <p>COMPLAINTS</p> <p><u>Pre-February 1st 2020</u></p> <p>In the case of a complaint received in South Wales Police prior to 1st February 2020 then the matter will have been allocated for either a Proportionate Investigation or Local Resolution. Currently, complaints are allocated to complaint handlers on Niche and the attached PSD4 (a research document from PSD) should indicate which process is to be used. It is important that the correct processes and forms are used to comply with the legislation. The relevant forms are on the PSD page on BOB.</p> <p>Local Resolution – The ‘PSD Local Resolution and New Complaint Form’ needs to be completed and sent to PSD on conclusion. In addition, you also need to complete the PSD 1C which is an outcome letter, providing the right of Appeal. A copy of the PSD1C is sent to both PSD and the complainant (please note the date this letter was sent, updating the Niche OEL). This document should contain detailed and meaningful information to inform the complainant about what has been done to resolve the matter. The complainant will have a right of Appeal to the Chief Constable (delegated to the Head of PSD) so it is imperative that actions are fully documented.</p> <p>Proportionate Investigation –The ‘old-style’ PSD 6 is completed and sent to PSD rather than the complainant. PSD will review and redact and then send it on with a covering letter from the Detective Chief Inspector which provides the right to Appeal. It is important to avoid including sensitive information and using police jargon such as “OEL” and “OIC”.</p> <p><u>From February 1st 2020</u></p>		

Flexible - The majority of matters allocated to BCU will be for a matter to be dealt with reasonably and proportionately, 'otherwise than by investigation'. To simplify this, South Wales Police has called this a 'Flexible Approach', however, when communicating with the complainant, this is referred to as a 'Reasonable and Proportionate Response'. The documentation completed as part of a Flexible Approach needs to be sent directly to the complainant by the complaint handler. However, a PSD SPOC or someone of at least Chief Inspector rank will need to review and sign these prior to sending (it is good practice to note the date this form was sent to the complainant, perhaps by updating the OEL). It is important that a professional document is sent to the complainant. If they wish the outcome to be subject to a Review (an Appeal in old terms) they will, in the main, be forwarded to the Police and Crime Commissioner's Office who will be holding BCUs to account for the quality of complaint handling.

Proportionate Investigation - This is a more formal process where Terms of Reference must be set. Matters allocated for investigation should be returned to PSD on a new style PSD 6 where the end determination will be whether the service provided by the police was acceptable or not (just as with the "flexible matters"). Complaints are allocated to BCUs on the basis of the assessment of seriousness at the time of the initial complaint. On beginning an investigation, should the matter appear more serious, or you, as the complaint handler, have concerns, please liaise with the DI/DCI at PSD.

Reflective Practice Review Process - For complaint matters that came to attention after 1st February 2020, there is a new concept called the 'Reflective Practice Review Process' which can be used to deal with low level conduct/performance matters. It does not replace performance regulations and is generally intended for one-off lapses / genuine low level mistakes. The PSD decision maker is to be consulted in such circumstances to ensure consistency of approach, ensuring the relevant legislation is adhered to.

CONDUCT

- Where an allegation is made against the conduct of a Police Officer or Special Constable, being a matter that does not involve a complaint, a Misconduct Notification (form PSD 3) must be completed by the referring officer and forwarded to the Professional Standards Department electronically via the PSD inbox. Please note that there are two versions of the PSD 3 form for pre-and post-February 2020 matters respectively.
- The Head of Professional Standards or his decision maker will review the issue subject to complaint/misconduct notification and if the matter is deemed a recordable conduct matter, PSD will implement the procedures as detailed in the regulations.
- The Police (Complaints and Misconduct) Regulations 2020 (From 1st February 2020), Police Conduct Regulations 2012 (pre-1st February 2020), details the Standards of Professional Behaviour for Police Officers, including Special Constables, and sets out the procedures for dealing with misconduct, unsatisfactory performance and attendance for appeals to the Police Appeals Tribunal.
- The 'Code of Ethics' is an expanded version of the 10 Standards of Professional Behaviour, underpinned by a set of 'Policing Principles', which, as of Summer 2014 have the legal status of a code of practice for the Police Service.

- These principles reflect the personal beliefs and aspirations that in turn serve to guide behaviour and shape the policing culture. The combination of principles and standards of behaviour encourages consistency between what people believe in and aspire to, and what they do.

LEGISLATION & REGULATION:

The Police (Complaints and Misconduct) Regulations 2020 (From 1st February 2020),
Police Conduct Regulations 2012 (pre-1st February 2020)